

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN ELLIOTT FIELDS,

Petitioner,

No. CIV S-04-0454 FCD JFM P

vs.

AL K. SCRIBNER, et al.,

Respondents.

ORDER

Petitioner is a state prisoner proceeding in propria persona with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 26, 2007, this court issued findings and recommendations. On June 22, 2007, petitioner's second request for an extension of time to file and serve objections to the findings and recommendations was granted.

On July 20, 2007 and July 23, 2007, petitioner filed motions requesting the court order respondent's agents at California State Prison-Corcoran to return petitioner's legal work and stop impeding his access to the courts. Petitioner alleges that on May 9, 2007, Officer Munoz refused to make photocopies of petitioner's legal documents and when petitioner told several inmate witnesses he would need their declarations concerning the denial, petitioner was threatened with removal from the law library and restricted to the paging system only. (Motions at 2.) Petitioner further states that on or about May 23, 2007, petitioner submitted his objections

1 to CSP-Corcoran Law Library Custody Officer Jeffrey Munoz through the CSP-Corcoran paging
2 system, requesting two photocopies be made. (Motions at 2.) Petitioner contends that rather
3 than making the copies, Officer Munoz confiscated the legal documents.¹ Good cause appearing,
4 respondents will be directed to file and serve a response to petitioner's motions.

5 IT IS HEREBY ORDERED that:

6 1. Within fifteen days from the date of this order respondents shall file and serve
7 a response to petitioner's July 20, 2007 and July 23, 2007 motions.

8 2. The Clerk of the Court is directed to re-serve a copy of the court's April 26,
9 2007 findings and recommendations on petitioner.

10 3. Petitioner is granted an additional sixty days in which to file objections to the
11 April 26, 2007 findings and recommendations.

12 DATED: August 24, 2007.

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15 UNITED STATES MAGISTRATE JUDGE

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24 ¹ Initially, petitioner states that Officer Munoz "confiscated the motion and the original order
25 instead of making the requested two sets of copies." (Motions at 2.) But later in the motions
26 petitioner references "his 'original' motion objecting to the magistrate judge's findings and
recommendations." (*Id.*) In an abundance of caution, the Clerk of the Court will be directed to re-
serve a copy of the findings and recommendations on petitioner to expedite the filing of objections
should the original objections not be located.